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**ATCC**

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**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE**

**INTERNATIONAL FORM**

**RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2**

To: (Name and Address of Depositor or Attorney)

Morrison & Foerster LLP  
Attn: Michael R. Ward  
425 Market Street  
San Francisco, CA 94105

Deposited on Behalf of: Progeny Advanced Genetics

Identification Reference by Depositor:

Lactuca sativa: Sun Devil (Ref: Docket or Case No.: 49996-20002.00)  
Lactuca sativa: Legend (Ref: Docket or Case No.: 49996-20011.00)  
Lactuca sativa: Pacer (Ref: Docket or Case No.: 49996-20007.00)  
Lactuca sativa: Icon (Ref: Docket or Case No.: 49996-20010.00)

Patent Deposit Designation

PTA-4008  
PTA-4009  
PTA-4010  
PTA-4011

The seeds were accompanied by:    a scientific description a proposed taxonomic description indicated above.  
The seeds were received January 24, 2002 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the seeds for 30 years.

The seeds will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the seeds and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said seeds.

If the seeds should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with viable seeds of the same.

The seeds will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the seeds cited above was tested January 28, 2002. On that date, the seeds were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Marie Harris  
Marie Harris, Patent Specialist, Patent Depository

Date: February 7, 2002